

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: PET FOOD PRODUCTS
LIABILITY LITIGATION

Civil Action No. 07-2867 (NLH)

MDL Docket No. 1850

THIS DOCUMENT RELATES TO:

ALL CASES

**APPENDIX OF EXHIBITS IN
SUPPORT OF MAJORITY
PLAINTIFFS' MOTION FOR
APPOINTMENT OF INTERIM CO-
LEAD AND LIAISON COUNSEL**

Date: September 26, 2007

Time: 11:00 a.m.

Courtroom: 3A

The Honorable Noel L. Hillman

1. Attached hereto as **EXHIBIT A** is a true and correct copy of a detailed chart listing all plaintiff firms and corresponding cases;
2. Attached hereto as **EXHIBIT B** is a true and correct copy of a letter to all Plaintiffs' Counsel sent March 30, 2007;
3. Attached hereto as **EXHIBIT C** is a true and correct copy of a Transfer Order, June 19, 2007;
4. Attached hereto as **EXHIBIT D** is a true and correct copy of a Transcript, May 18, 2007, at 61-62;
5. Attached hereto as **EXHIBIT E** is a true and correct copy of a letter from Michael Ferrara, May 22, 2007;

6. Attached hereto as **EXHIBIT F** is a true and correct copy of a Transcript May 23, 2007, at 24-25;
7. Attached hereto as **EXHIBIT G** is a true and correct copy of a letter from Mark J. Tamblyn, June 4, 2007;
8. Attached hereto as **EXHIBIT H** is a true and correct copy of a letter to the Honorable Noel L. Hillman, July 5, 2007;
9. Attached hereto as **EXHIBIT I** is a true and correct copy of a letter from Russell Paul, June 22, 2007;
10. Attached hereto as **EXHIBIT J** is a true and correct copy of a letter from Blim & Edelson, June 27, 2007; and
11. Attached hereto as **EXHIBIT K** is a true and correct copy of a Transcript of Telephone Conference Call, July 6, 2007, at 4:8-14.

EXHIBIT A

IN RE: PET FOOD PRODUCTS LIABILITY LITIGATION**Civil Action No. 07-2867 (NLH) (D.N.J.); MDL Docket No. 1850****Plaintiffs and Counsel In Support of Majority Plaintiffs' Motion for
Appointment of Interim Co-Lead and Liaison Counsel Pursuant to Fed. R. Civ. P. 23(g)**

Counsel	Case(s)
A. James Andrews LAW OFFICE OF A. JAMES ANDREWS	<i>Holt v. Menu Foods, Inc.</i> Case No. 3:07-CV-00094 (E.D. Tenn.) (Filed on 3/19/07) <i>Bowser v. Nestle Purina Pet Care Company</i> Case No. 2:07-cv-02246-JDB-TMP (W.D. Tenn.) (Filed on 4/09/07)
Adam P. Karp ANIMAL LAW OFFICES	<i>Suggett v. Menu Foods et al.</i> Case No. 07-CV-457 RSM (W.D. Wash.) (Filed on 3/27/07)
Jeffrey B. Cereghino BERDING AND WEIL	<i>Swarberg v. Menu Foods Holding et al.</i> Case No. 07-CV-0706 (BTM) (S.D. Cal.) (Filed on 4/18/07)
Sherrie R. Savett Michael T. Fantini Russell D. Paul BERGER & MONTAGUE, P.C.	<i>Workman et al. v. Menu Foods Limited et al.</i> Case No. 1:07-CV-01338-NLH-AMD (D.N.J.) (Filed on 3/23/07) <i>Schneider v. Menu Foods Limited et al.</i> Case No. 1:07-CV-01533-NLH-AMD (D.N.J.) (Filed on 4/2/07) <i>Conti et al. v. Menu Foods Limited et al.</i> Case No. 1:07-CV-01638-NLH-AMD (D.N.J.) (Filed on 4/9/07) <i>Carestio v. Menu Foods Limited et al.</i> Case No. 1:07-cv-01762-NLH-AMD (D.N.J.) (Filed on 4/16/07)
Michael J. Boni BONI & ZACK, LLC	<i>Conti et al. v. Menu Foods Limited et al.</i> Case No. 1:07-CV-01638-NLH-AMD (D.N.J.) (Filed on 4/9/07)
Kimberly M. Donaldson Joseph G. Saunder Benjamin F. Johns CHIMICLES & TIKELLIS, LLP	<i>Pirches et al. v. Menu Foods Income Fund et al.</i> Case No. 1:07-CV-01685-NLH-AMD (D.N.J.) (Filed on 4/10/07)

<p>Katherine J Odenbreit Rene L. Barge CLASS ACTION LITIGATION GROUP</p>	<p><i>Ford et al. v. Menu Foods Income Fund et al.</i> Case No. 3:07-cv-00734-BTM-RBB (S.D. Cal.) (Filed on 4/23/07)</p> <p><i>Wahl et al. v. Menu Foods Income Fund et al.</i> Case No. 2:07-CV-02779-AJW (C.D. Cal.) (Filed on 4/26/07)</p>
<p>Paul J. Geller Stuart A. Davidson James L. Davidson COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP</p>	<p><i>Troiano v. Menu Foods, Inc. et al.</i> Case No. 0:07-CV-60428-JIC (S.D. Fla.) (Filed on 3/26/07)</p> <p><i>Hidalgo v. Menu Foods, Inc. et al.</i> Case No. 07-CV-1488 NLH (D.N.J.) (Filed on 3/29/07)</p> <p><i>Ingles v. Menu Foods, Inc. et al.</i> Case No. 07-CV-1809-MMC (N.D. Cal.) (Filed on 3/30/07)</p> <p><i>Gagliardi v. Menu Foods, Inc. et al.</i> Case No. 1:07-CV-01522-NLH-AMD (D.N.J.) (Filed on 3/30/07)</p> <p><i>Turturro v. Menu Foods, Inc. et al.</i> Case No. 1:07-CV-01523-NLH-AMD (D.N.J.) (Filed on 3/30/07)</p>
<p>Perry A. Craft CRAFT & SHEPPARD PLC</p>	<p><i>Holt v. Menu Foods, Inc.</i> Case No. 3:07-CV-00094 (E.D. Tenn.) (filed on 3/19/07)</p> <p><i>Bowser v. Nestle Purina Pet Care Company</i> Case No. 2:07-cv-02246-JDB-TMP (W.D. Tenn.) (Filed on 4/09/07)</p>
<p>Michael Donovan DONOVAN SEARLES, LLC</p>	<p><i>Conti et al. v. Menu Foods Limited et al.</i> Case No. 1:07-CV-01638-NLH-AMD (D.N.J.) (Filed on 4/9/07)</p>
<p>Larry D. Drury LARRY D. DRURY LTD.</p>	<p><i>Johnson v. Proctor & Gamble Co. et al.</i> Case No. 07-C-0159 (W.D. Wisc.) (Filed on 3/21/07)</p>
<p>John G. Emerson Scott E. Poynter Christopher D. Jennings EMERSON POYNTER LLP</p>	<p><i>Lowery v. Menu Foods Income Fund et al.</i> Case No. 3:07-2665 (N.D. Cal.) (Filed on 5/21/07)</p>

	<i>Stacey v. Nestle S.A. et al.</i> Case No. 4:07-cv-00376-GH (E.D. Ark.) (Filed on 4/10/07)
Roberta D. Liebenberg FINE KAPLAN & BLACK, R.P.C.	<i>Schneider v. Menu Foods Limited et al.</i> Case No. 1:07-CV-01533-NLH-AMD (D.N.J.) (Filed on 4/2/07)
Mila F. Bartos FINKELSTEIN THOMPSON LLP	<i>DeBarathy v. Menu Foods Income Fund et al.</i> Case No. 1:07-CV-01739-NLH-AMD (D.N.J.) (Filed on 4/10/07)
Joseph Goldberg FREEDMAN BOYD DANIELS HOLLANDER & GOLDBERG, P.A.	<i>Krosschell v. Menu Foods Income Fund et al.</i> Case No. 0:07-CV-02108-RHK-AJB (D. Minn.) (Filed on 4/27/07)
Phillip H. Gordon Bruce S. Bistline GORDON LAW OFFICES	<i>Johnson et al. v. Menu Foods</i> Case No. 07-CV-00455-CMP (W.D. Wash.) (Filed on 3/27/07) <i>Klimes et al. v. Menu Foods</i> Case No. 1:07-CV-160 (D. Idaho) (Filed on 4/5/07)
Paul Gordon PAUL GORDON, LLC	<i>Tompkins v. Menu Foods Midwest Corp. et al.</i> Case No. 1:07-CV-00736-JLK (D. Colo.) (Filed on 4/11/07)
Daniel E. Gustafson Daniel C. Hedlund Renae Steiner GUSTAFSON GLUEK PLLC	<i>Donnelly et al. v. Menu Foods, Inc. et al.</i> Case No. 07-20955 (S.D. Fla.) (Filed on 4/10/07) <i>Krosschell v. Menu Foods Income Fund et al.</i> Case No. 0:07-CV-02108-RHK-AJB (D. Minn.) (Filed on 4/27/07) <i>Roberts et al. v. Menu Foods, Inc. et al.</i> Case No. 3:07-CV-248 (W.D. Wisc.) (Filed on 5/2/07)
Steve W. Berman Jeniphr A. E. Breckenridge HAGENS BERMAN SOBOL SHAPIRO LLP	<i>Johnson et al. v. Menu Foods</i> Case No. 07-CV-00455-CMP (W.D. Wash.) (Filed on 3/27/07) <i>Heller et al. v. Menu Foods</i> Case No. 07-CV-00453-CMP (W.D. Wash.) (Filed on 3/27/07) <i>Kornelius et al. v. Menu Foods</i>

	<p>Case No. 07-CV-00454-MJP (W.D. Wash.) (Filed on 3/27/07)</p> <p><i>Klimes et al. v. Menu Foods</i> Case No. 1:07-CV-160 (D. Idaho) (Filed on 4/5/07)</p> <p><i>Migliore v. Menu Foods</i> Case No. 2:07-cv-00575-RSL (W.D. Wash.) (Filed on 4/19/07)</p> <p><i>Moran v. Menu Foods</i> Case No. 2:07-cv-00576-JCC (W.D. Wash.) (Filed on 4/19/07)</p> <p><i>Puett v. Menu Foods</i> Case No. 2:07-CV-00577-RSL (W.D. Wash.) (Filed on 4/19/07)</p> <p><i>Reeves v. Menu Foods</i> Case No. 2:07-cv-00634-JCC (W.D. Wash.) (Filed on 4/26/07)</p> <p><i>Guthrie v. Menu Foods</i> Case No. 3:07-cv-05205-RJB (W.D. Wash.) (Filed on 4/26/07)</p> <p><i>Rusiecki v. Menu Foods</i> Case No. 3:07-cv-05204-RJB (W.D. Wash.) (Filed on 4/26/07)</p> <p><i>Labbate v. Menu Foods</i> Case No. 2:07-CV-00669-MJB (W.D. Wash.) (Filed on 5/1/07)</p> <p><i>Palmer v. Menu Foods</i> Case No. 2:07-CV-00668-JLR (W.D. Wash.) (Filed on 5/1/07)</p> <p><i>Robinson v. Menu Foods</i> Case No. 2:07-CV-00666-RSL (W.D. Wash.) (Filed on 5/1/07)</p> <p><i>Ullman v. Menu Foods</i> Case No. 2:07-CV-00667-MJP (W.D. Wash.) (Filed on 5/1/07)</p>
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	<p><i>Whitt v. Menu Foods</i> Case No. 2:07-CV-00670-RSM (W.D. Wash.) (Filed on 5/1/07)</p> <p><i>Adams v. Menu Foods</i> Case No. 2:07-CV-00685-RSM (W.D. Wash.) (Filed on 5/3/07)</p> <p><i>Dineen v. Menu Foods</i> Case No. 2:07-CV-00686-JPD (W.D. Wash.) (Filed on 5/3/07)</p> <p><i>Mullen v. Menu Foods</i> Case No. 2:07-CV-00689-JLR (W.D. Wash.) (Filed on 5/3/07)</p> <p><i>Percy v. Menu Foods</i> Case No. 2:07-CV-00690-RSL (W.D. Wash.) (Filed on 5/3/07)</p> <p><i>Shingle v. Menu Foods</i> Case No. 2:07-CV-00687-MJP (W.D. Wash.) (Filed on 5/3/07)</p> <p><i>Thomas v. Menu Foods</i> Case No. 2:07-CV-00688-TSZ (W.D. Wash.) (Filed on 5/3/07)</p> <p><i>Weitz v. Menu Foods</i> Case No. 2:07-CV-00684-RSM (W.D. Wash.) (Filed on 5/3/07)</p> <p><i>Monk v. Menu Foods</i> Case No. 2:07-CV-00745-JCC (W.D. Wash.) (Filed on 5/15/07)</p> <p><i>Boyer v. Menu Foods</i> Case No. 2:07-CV-00746-RSL (W.D. Wash.) (Filed on 5/15/07)</p> <p><i>Brenton v. Menu Foods</i> Case No. 2:07-CV-00747-JCC (W.D. Wash.) (Filed on 5/15/07)</p> <p><i>Nagel v. Menu Foods</i></p>
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	Case No. 2:07-CV-00748-JLR (W.D. Wash.) (Filed on 5/15/07) <i>Eilers v. Menu Foods</i> Case No. 2:07-CV-00749-TSZ (W.D. Wash.) (Filed on 5/15/07)
Mick Hodges HODGES LAW OFFICE	<i>Klimes et al. v. Menu Foods</i> Case No. 1:07-CV-160 (D. Idaho) (Filed on 4/5/07)
Dennis Stewart HULETT HARPER STEWART LLP	<i>Krosschell v. Menu Foods Income Fund et al.</i> Case No. 0:07-CV-02108-RHK-AJB (D. Minn.) (Filed on 4/27/07)
Robert A. Jigarjian JIGARJIAN LAW OFFICE	<i>Lowery v. Menu Foods Income Fund et al.</i> Case No. 3:07-2665 (N.D. Cal.) (Filed on 5/21/07)
Michael L. Stoker JOHNS FLAHERTY & RICE, S.C.	<i>Roberts et al. v. Menu Foods, Inc. et al.</i> Case No. 3:07-CV-248 (W.D. Wisc.) (Filed on 5/2/07)
Gary S. Graifman KANTROWITZ GOLDHAMER & GRAIFMAN	<i>Pittsonberger v., Menu Foods Midwest et al.</i> Case No. 1:07-CV-01561-NLH-AMD (D.N.J.) (Filed on 4/3/07)
Robert Kaplan Christine M. Fox Linda P. Nussbaum Laurence D. King William J. Pinilis KAPLAN FOX & KILSHEIMER LLP	<i>Pittsonberger v., Menu Foods Midwest et al.</i> Case No. 1:07-CV-01561-NLH-AMD (D.N.J.) (Filed on 4/3/07) <i>Carter v. Menu Foods, Inc. et al.</i> Case No. 1:07-CV-01562-NLH-AMD (D.N.J.) (Filed on 4/3/07) <i>Bullock v. Menu Foods, Inc. et al.</i> Case No. 1:07-CV-01579-NLH-AMD (D.N.J.) (Filed on 4/4/07) <i>Pirches et al. v. Menu Foods Income Fund et al.</i> Case No. 1:07-CV-01685-NLH-AMD (D.N.J.) (Filed on 4/10/07)
Jeffrey A. Wigodsky KARP FROSH LAPIDUS WIGODSKY & NORWIND, P.A.	<i>Pittsonberger v., Menu Foods Midwest et al.</i> Case No. 1:07-CV-01561-NLH-AMD (D.N.J.) (Filed on 4/3/07)
Stuart C. Talley KERSHAW, CUTTER & RATINOFF LLP	<i>Sexton v. Menu Foods Income Fund et al.</i> Case No. 07-CV-01958 GHK (AJWx)

	<p>(C.D. Cal.) (Filed on 3/26/07)</p> <p><i>Wilson v. Menu Foods Income Fund et al.</i> Case No. 07-CV-1456 NLH (D.N.J.) (Filed on 3/27/07)</p> <p><i>Donnelly et al. v. Menu Foods, Inc. et al.</i> Case No. 07-20955 (S.D. Fla.) (Filed on 4/10/07)</p> <p><i>Amro v. Menu Foods Income Fund et al.</i> Case No. 07-CV-2162 (N.D. Ill.) (Filed on 4/18/07)</p>
Lawrence Kopelman KOPELMAN & BLANKMAN	<p><i>Troiano v. Menu Foods, Inc. et al.</i> Case No. 0:07-CV-60428-JIC (S.D. Fla.) (Filed on 3/26/07)</p>
Reginald A. Krasney REGINALD A. KRASNEY	<p><i>Pirches et al. v. Menu Foods Income Fund et al.</i> Case No. 1:07-CV-01685-NLH-AMD (D.N.J.) (Filed on 4/10/07)</p>
Eric Benink KRAUSE KALFAYAN BENINK & SLAVENS	<p><i>Payne et al. v. Menu Foods, Inc. et al.</i> Case No. 3:07-CV-00705-JAH-CAB (S.D. Cal.) (Filed on 4/18/07)</p>
Lawrence E. Feldman LAWRENCE E. FELDMAN & ASSOCIATES	<p><i>Johnson v. Menu Foods, Inc. et al.</i> Case No. 1:07-CV-1610 (D.N.J.) (Filed on 4/5/07)</p> <p><i>Donnelly et al. v. Menu Foods, Inc. et al.</i> Case No. 07-20955 (S.D. Fla.) (Filed on 4/10/07)</p>
Eric Lee LEE & AMTZIS, P.L.	<p><i>Freeman v. Menu Foods, Inc. et al.</i> Case No. 1:07-CV-01646-NLH-AMD (D.N.J.) (Filed on 4/4/07)</p>
Gary E. Mason Donna F. Solen THE MASON LAW FIRM	<p><i>Pittsonberger v., Menu Foods Midwest et al.</i> Case No. 1:07-CV-01561-NLH-AMD (D.N.J.) (Filed on 4/3/07)</p> <p><i>Carter v. Menu Foods, Inc. et al.</i> Case No. 1:07-CV-01562-NLH-AMD (D.N.J.) (Filed on 4/3/07)</p> <p><i>Bullock v. Menu Foods, Inc. et al.</i> Case No. 1:07-CV-01579-NLH-AMD (D.N.J.)</p>

	<p>(Filed on 4/4/07)</p> <p><i>Ferrarese v. Menu Foods, Inc. et al.</i> Case No. 2:07-CV-00235-JES-DNF (M.D. Fla.) (Filed on 4/16/07)</p>
<p>Charles A. McCallum R. Brent Irby McCALLUM HOAGLUND COOK & IRBY, LLP</p>	<p><i>McCullough v. Menu Foods Income Fund et al.</i> Case No. 1:07-CV-01710-NLH-AMD (D.N.J.) (Filed on 4/10/07)</p>
<p>Scott Wm. Weinstein MORGAN & MORGAN, PA</p>	<p><i>Ferrarese v. Menu Foods, Inc. et al.</i> Case No. 2:07-CV-00235-JES-DNF (M.D. Fla.) (Filed on 4/16/07)</p>
<p>Michael David Myers MYERS & COMPANY PLLC</p>	<p><i>Whaley v. Menu Foods et al.</i> Case No. 2:07-CV-00411-CMP (W.D. Wash.) (Filed on 3/19/07)</p> <p><i>Heller et al. v. Menu Foods</i> Case No. 07-CV-00453-CMP (W.D. Wash.) (Filed on 3/27/07)</p> <p><i>Kornelius et al. v. Menu Foods</i> Case No. 07-CV-00454-MJP (W.D. Wash.) (Filed on 3/27/07)</p> <p><i>Migliore v. Menu Foods</i> Case No. 2:07-cv-00575-RSL (W.D. Wash.) (Filed on 4/19/07)</p> <p><i>Moran v. Menu Foods</i> Case No. 2:07-cv-00576-JCC (W.D. Wash.) (Filed on 4/19/07)</p> <p><i>Puett v. Menu Foods</i> Case No. 2:07-CV-00577-RSL (W.D. Wash.) (Filed on 4/19/07)</p> <p><i>Reeves v. Menu Foods</i> Case No. 2:07-cv-00634-JCC (W.D. Wash.) (Filed on 4/26/07)</p> <p><i>Guthrie v. Menu Foods</i> Case No. 3:07-cv-05205-RJB (W.D. Wash.) (Filed on 4/26/07)</p>

	<p><i>Rusiecki v. Menu Foods</i> Case No. 3:07-cv-05204-RJB (W.D. Wash.) (Filed on 4/26/07)</p> <p><i>Labbate v. Menu Foods</i> Case No. 2:07-CV-00669-MJB (W.D. Wash.) (Filed on 5/1/07)</p> <p><i>Palmer v. Menu Foods</i> Case No. 2:07-CV-00668-JLR (W.D. Wash.) (Filed on 5/1/07)</p> <p><i>Robinson v. Menu Foods</i> Case No. 2:07-CV-00666-RSL (W.D. Wash.) (Filed on 5/1/07)</p> <p><i>Ullman v. Menu Foods</i> Case No. 2:07-CV-00667-MJP (W.D. Wash.) (Filed on 5/1/07)</p> <p><i>Whitt v. Menu Foods</i> Case No. 2:07-CV-00670-RSM (W.D. Wash.) (Filed on 5/1/07)</p> <p><i>Adams v. Menu Foods</i> Case No. 2:07-CV-00685-RSM (W.D. Wash.) (Filed on 5/3/07)</p> <p><i>Dineen v. Menu Foods</i> Case No. 2:07-CV-00686-JPD (W.D. Wash.) (Filed on 5/3/07)</p> <p><i>Mullen v. Menu Foods</i> Case No. 2:07-CV-00689-JLR (W.D. Wash.) (Filed on 5/3/07)</p> <p><i>Percy v. Menu Foods</i> Case No. 2:07-CV-00690-RSL (W.D. Wash.) (Filed on 5/3/07)</p> <p><i>Shingle v. Menu Foods</i> Case No. 2:07-CV-00687-MJP (W.D. Wash.) (Filed on 5/3/07)</p> <p><i>Thomas v. Menu Foods</i> Case No. 2:07-CV-00688-TSZ (W.D. Wash.)</p>
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	<p>(Filed on 5/3/07)</p> <p><i>Weitz v. Menu Foods</i> Case No. 2:07-CV-00684-RSM (W.D. Wash.) (Filed on 5/3/07)</p> <p><i>Monk v. Menu Foods</i> Case No. 2:07-CV-00745-JCC (W.D. Wash.) (Filed on 5/15/07)</p> <p><i>Boyer v. Menu Foods</i> Case No. 2:07-CV-00746-RSL (W.D. Wash.) (Filed on 5/15/07)</p> <p><i>Brenton v. Menu Foods</i> Case No. 2:07-CV-00747-JCC (W.D. Wash.) (Filed on 5/15/07)</p> <p><i>Nagel v. Menu Foods</i> Case No. 2:07-CV-00748-JLR (W.D. Wash.) (Filed on 5/15/07)</p> <p><i>Eilers v. Menu Foods</i> Case No. 2:07-CV-00749-TSZ (W.D. Wash.) (Filed on 5/15/07)</p>
<p>Bruce E. Newman Kevin Creed NEWMAN CREED & ASSOCIATES</p>	<p><i>Osborne v. Menu Foods, Inc.</i> Case No. 3:07-CV-00469-RNC (D. Conn.) (Filed on 3/26/07)</p> <p><i>Sokolowski v. Menu Foods, Inc. et al.</i> Case No. 1:07-CV-01709-NLH-AMD (D.N.J.) (Filed on 4/9/07)</p>
<p>Bill G. Horton NOLAN CADDELL & REYNOLDS</p>	<p><i>Gray et al. v. Menu Foods et al.</i> Case No. 07-5065 (W.D. Ark.) (Filed on 4/11/07)</p>
<p>William M. O'Mara David C. O'Mara Brian O. O'Mara THE O'MARA LAW FIRM P.C.</p>	<p><i>Streczyn v. Menu Foods Income Fund et al.</i> Case No. 3:07-cv-00159-LRH-VPC (D. Nev.) (Filed on 4/2/07)</p>
<p>Jeremy Y. Hutchinson Jack Thomas Patterson III Richard Adams James C. Wily Sean F. Rommel</p>	<p><i>Scott et al. v. Menu Foods et al.</i> Case No. 5:07-CV-05055-RTD (W.D. Ark.) (Filed on 3/23/07)</p>

PATTON ROBERTS MCWILLIAMS & CAPSHAW LLP	
Terry M. Poynter TERRY M. POYNTER, P.A.	<i>Stacey v. Nestle S.A. et al.</i> Case No. 4:07-cv-00376-GH (E.D. Ark.) (Filed on 4/10/07)
Frank Jablonski Noah Golden-Kramer Ilan Chorowsky PROGRESSIVE LAW GROUP, LLC	<i>Johnson v. Proctor & Gamble Co. et al.</i> Case No. 07-C-0159 (W.D. Wisc.) (Filed on 3/21/07) <i>Rozman v. Menu Foods Midwest Corp. et al.</i> Case No. 0:07-CV-01808-ADM-AJB (D. Minn.) (Filed on 4/9/07) <i>Tompkins v. Menu Foods Midwest Corp. et al.</i> Case No. 1:07-CV-00736-JLK (D. Colo.) (Filed on 4/11/07) <i>Connerton et al. v. Menu Foods Inc. et al.</i> Case No. 1:07-CV-10797-DPW (D. Mass.) (Filed on 4/25/07)
Matthew J. Duchemin QUARLES & BRADY	<i>Roberts et al. v. Menu Foods, Inc. et al.</i> Case No. 3:07-CV-248 (W.D. Wisc.) (Filed on 5/2/07)
Mark Reinhardt Garrett D. Blanchfield, Jr. REINHARDT WENDORF & BLANCHFIELD	<i>Rozman v. Menu Foods Midwest Corp. et al.</i> Case No. 0:07-CV-01808-ADM-AJB (D. Minn.) (Filed on 4/9/07)
Brian J. Robbins Steven J. Simerlein Rebecca A. Peterson ROBBINS UMEDA & FINK, LLP	<i>Colquitt et al. v. Menu Foods, Inc. et al.</i> Case No. 1:07-cv-01738-NLH-AMD (D.N.J.) (Filed on 4/9/07)
Dianne M. Nast RODANAST, P.C.	<i>Krosschell v. Menu Foods Income Fund et al.</i> Case No. 0:07-CV-02108-RHK-AJB (D. Minn.) (Filed on 4/27/07)
Robert A. Rovner Jeffrey I. Zimmerman ROVNER ALLEN ROVNER ZIMMERMAN & NASH	<i>Workman et al. v. Menu Foods Limited et al.</i> Case No. 1:07-CV-01338-NLH-AMD (D.N.J.) (Filed on 3/23/07)
Joseph H. Meltzer Edward W. Ciolko Katherine B. Bornstein	<i>Long v. Menu Foods Income Fund et al.</i> Case No. 1:07-CV-01624-NLH-AMD (D.N.J.) (Filed on 4/6/07)

Robert J. Gray SCHIFFRIN BARROWAY TOPAZ & KESSLER, LLP	
Steven E. Schwarz LAW OFFICES OF STEVEN E. SCHWARZ	<i>Demith v. Nestle Purina Petcare Co. et al.</i> Case No. 1:07-cv-02211 (D. Ill.) (Filed on 4/23/07)
Todd M. Schneider SCHNEIDER & WALLACE	<i>Pittsonberger v., Menu Foods Midwest et al.</i> Case No. 1:07-CV-01561-NLH-AMD (D.N.J.) (Filed on 4/3/07) <i>Carter v. Menu Foods, Inc. et al.</i> Case No. 1:07-CV-01562-NLH-AMD (D.N.J.) (Filed on 4/3/07) <i>Bullock v. Menu Foods, Inc. et al.</i> Case No. 1:07-CV-01579-NLH-AMD (D.N.J.) (Filed on 4/4/07)
James C. Shah Nathan C. Zipperian Scott R. Shepherd Natalie Finkelman Bennett SHEPHERD FINKELMAN MILLER & SHAH LLC	<i>Johnson v. Menu Foods, Inc. et al.</i> Case No. 1:07-CV-1610 (D.N.J.) (Filed on 4/5/07) <i>Donnelly et al. v. Menu Foods, Inc. et al.</i> Case No. 07-20955 (S.D. Fla.) (Filed on 4/10/07)
Kip B. Shuman Jeffrey A. Berens SHUMAN & BERENS	<i>Colquitt et al. v. Menu Foods, Inc. et al.</i> Case No. 1:07-cv-01738-NLH-AMD (D.N.J.) (Filed on 4/9/07)
Karl A. Schledwitz THE SOUTHLAND COMPANIES	<i>Bowser v. Nestle Purina Pet Care Company</i> Case No. 2:07-cv-02246-JDB-tmp (W.D. Tenn.) (Filed on 4/9/07)
Jennifer Reba Thomaidis THOMAIDIS LAW, LLC	<i>Tompkins v. Menu Foods Midwest Corp. et al.</i> Case No. 1:07-CV-00736-JLK (D. Colo.) (Filed on 4/11/07)
Lisa J. Rodriguez Donna Siegel Moffa TRUJILLO RODRIGUEZ & RICHARDS LLC	<i>Workman et al. v. Menu Foods Limited et al.</i> Case No. 1:07-CV-01338-NLH-AMD (D.N.J.) (Filed on 3/23/07) <i>Schneider v. Menu Foods Limited et al.</i> Case No. 1:07-CV-01533-NLH-AMD (D.N.J.) (Filed on 4/2/07) <i>Long v. Menu Foods Income Fund et al.</i>

	<p>Case No. 1:07-CV-01624-NLH-AMD (D.N.J.) (Filed on 4/6/07)</p> <p><i>Conti et al. v. Menu Foods Limited et al.</i> Case No. 1:07-CV-01638-NLH-AMD (D.N.J.) (Filed on 4/9/07)</p> <p><i>Carestio v. Menu Foods Limited et al.</i> Case No. 1:07-cv-01762-NLH-AMD (D.N.J.) (Filed on 4/16/07)</p>
<p>Joseph M. Vanek VANEK VICKERS & MASINI, P.C.</p>	<p><i>Pittsonberger v., Menu Foods Midwest et al.</i> Case No. 1:07-CV-01561-NLH-AMD (D.N.J.) (Filed on 4/3/07)</p>
<p>Eugene R. Richard WAYNE RICHARD & HURWITZ, LLP</p>	<p><i>Connerton et al. v. Menu Foods Inc. et al.</i> Case No. 1:07-CV-10797-DPW (D. Mass.) (Filed on 4/25/07)</p>
<p>Kenneth A. Wexler Mark J. Tamblyn Andrae P. Reneau WEXLER TORISEVA WALLACE LLP</p>	<p><i>Sexton v. Menu Foods Income Fund et al.</i> Case No. 07-CV-01958 GHK (AJWx) (C.D. Cal.) (Filed on 3/26/07)</p> <p><i>Wilson v. Menu Foods Income Fund et al.</i> Case No. 07-CV-1456 NLH (D.N.J.) (Filed on 3/27/07)</p> <p><i>Donnelly et al. v. Menu Foods, Inc. et al.</i> Case No. 07-20955 (S.D. Fla.) (Filed on 4/10/07)</p> <p><i>Amro v. Menu Foods Income Fund et al.</i> Case No. 07-CV-2162 (N.D. Ill.) (Filed on 4/18/07)</p>
<p>Marc A. Wites WITES & KAPETAN, P.A.</p>	<p><i>Diedrich v. Menu Foods, Inc. et al.</i> Case No. 1:07-CV-01700-NLH-AMD (D.N.J.) (Filed on 4/6/07)</p>
<p>Gregory Mark Nespole Martin E. Restituyo WOLF HALDENSTEIN ADLER FREEMAN & HERZ LLP</p>	<p><i>Cashman et al. v. Menu Foods Limited et al.</i> Case No. 1:07-cv-03236-JSR (S.D.N.Y.) (Filed on 4/23/07)</p>

EXHIBIT B

WEXLER | TORISEVA | WALLACE

Limited Liability Partnership
Chicago, IL • Wheeling, WV • Sacramento, CA

March 30, 2007

BY FACSIMILE AND ELECTRONIC MAIL (PDF)

To: See Facsimile Cover Sheet

Re: *In re: Pet Food Products Liability Litigation*, MDL No. 1850

Dear Counsel:

As you are likely aware, over twenty actions have been filed in federal courts across the country by almost thirty different law firms. It is necessary and appropriate for counsel to convene in person, rather than by telephone, to discuss the effective prosecution of this litigation. To this end, and given that counsel are dispersed throughout the country, we will host a meeting on **Wednesday, April 11, 2007 at 12:00 p.m. CST** in Chicago at **The Peninsula** (108 East Superior Street). A call-in number will be provided shortly for those who wish to participate by phone. An agenda for this meeting is attached.

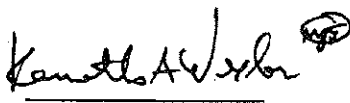
We hope that you recognize the advantages to attending this meeting, as well as its importance for improving and defining our coordinated efforts. Please RSVP at your earliest convenience by emailing Rochelle Firebaugh at rlf@wtwlaw.us. We look forward to seeing you on April 11th.

Sincerely,

WEXLER TORISEVA WALLACE LLP

LERACH COUGHLIN STOIA
GELLER RUDMAN & ROBBINS LLP

BERGER & MONTAGUE PC


KENNETH A. WEXLER


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Attachment

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In re Pet Food Products Liability Litigation – MDL No. 1850

MEETING AGENDA FOR APRIL 11, 2007
Chicago

- I. MDL Status: Review of Existing Cases
 - A.
 - B. REDACTED
 - C.
 - D.
- II. Recall Status/Investigation
 - A.
 - B. REDACTED
 - C.
- III.
- IV. REDACTED

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Sexton v. Menu Foods, Inc., et al.
(C.D. Cal);
Wilson v. Menu Foods Inc., et al.
(D. N.J.)

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Thomson et al. v. Menu Foods Income Fund et al.
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Tinker v. Menu Foods, Inc.
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Richard et al. v. Menu Foods, Inc. et al.
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Brown v. Menu Foods, Inc. et al.
(D. R.I.)

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Osborne v. Menu Foods, Inc.
(D. Conn.)

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Johnson et al. v. Menu Foods
(W.D. Wash.)

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Majerczyk v. Menu Foods, Inc.
(N.D. Ill.)

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Howe v. Menu Foods
(C.D. Cal.);
Nunez v. Menu Foods
(D. N.J.)

Johnson v. Menu Foods, Inc., et al.
(C.D. Cal.)

Sims v. Menu Foods, Inc. et al.
(W.D. Ark.)

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Heller et al. v. Menu Foods;
Kornelius et al. v. Menu Foods
(W.D. Wash.)

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Whaley v. Menu Foods et al.
(W.D. Wash.)

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Holt v. Menu Foods, Inc.
(E.D. Tenn.)

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Light v. Menu Foods Income Fund
(E.D. Tenn.)

EXHIBIT C

06/20/2007 16:33 FAX 2025022888

JPML

002/004

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUN 19 2007

FILED
CLERK'S OFFICE**RELEASED FOR PUBLICATION****DOCKET NO. 1850****BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION
IN RE PET FOOD PRODUCTS LIABILITY LITIGATION****BEFORE WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J.
FREDERICK MOTZ, ROBERT L. MILLER, JR.,* KATHRYN H. VRATIL,
DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL****TRANSFER ORDER**

This litigation presently consists of thirteen actions listed on the attached Schedule A and pending in eight districts as follows: five actions in the Western District of Washington; two actions in the Western District of Arkansas; and one action each in the Central District of California, the District of Connecticut, the Southern District of Florida, the Northern District of Illinois, the District of New Jersey, and the Eastern District of Tennessee. Before the Panel are three motions, pursuant to 28 U.S.C. § 1407, that taken together seek centralization for coordinated or consolidated pretrial proceedings of all of these actions.¹ All responding parties agree that centralization is appropriate, but differ regarding the most appropriate transferee district for this litigation. In favor of the District of New Jersey as transferee district are moving Central District of California and Southern District of Florida plaintiffs and plaintiffs in the District of Connecticut, the District of New Jersey, and three of the Western District of Washington actions before the Panel, as well as plaintiffs in fourteen potentially related actions. Plaintiffs in two of the five Western District of Washington actions move for centralization in the Western District of Washington; plaintiffs in the Eastern District of Tennessee action support centralization there; and plaintiffs in the other three Western District of Washington actions alternatively support centralization there. In favor of the Western District of Arkansas as transferee district are plaintiffs in the two Western District of Arkansas actions and the Northern District of Illinois action, and plaintiffs in six potentially related actions. Plaintiffs in two potentially related District of New Jersey actions alternatively support centralization in the Western District of Arkansas. Supporting the Northern District of Illinois as transferee district are all responding defendants, including Menu Foods, Inc., and its related entities, and plaintiffs in one potentially related action. In favor of the Central District of California as transferee district are plaintiffs in nine potentially related actions. Finally, plaintiff in a potentially related Northern District of Ohio action suggests centralization in the Northern District of Ohio.

On the basis of the papers filed and hearing session held, the Panel finds that the actions in this

* Judge Miller did not participate in the decision of this matter.

¹ The Panel has been notified of 97 potentially related actions pending in multiple federal districts. In light of the Panel's disposition of this docket, these actions will be treated as potential tag-along actions. See Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001).

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litigation involve common questions of fact, and that centralization under Section 1407 in the District of New Jersey will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. All actions stem from the recall of pet food products allegedly tainted by melamine found in wheat gluten imported from China and used in these products. Centralization under Section 1407 is necessary in order to eliminate duplicative discovery; avoid inconsistent pretrial rulings, especially with respect to class certification; and conserve the resources of the parties, their counsel and the judiciary.

Although several districts could be described as an appropriate transferee forum for this nationwide litigation, we are persuaded to select the District of New Jersey. Pretrial proceedings are advancing well there and about one-third of all pending actions are already in this district.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on the attached Schedule A and pending outside the District of New Jersey are transferred to the District of New Jersey and, with the consent of that court, assigned to the Honorable Noel L. Hillman for coordinated or consolidated pretrial proceedings with the actions pending there and listed on Schedule A.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

06/20/2007 16:33 FAX 2025022888

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004/004

SCHEDULE A

MDL-1850 – In re Pet Food Products Liability Litigation

Western District of Arkansas

Charles Ray Sims, et al. v. Menu Foods Income Fund, et al., C.A. No. 5:07-5053
Richard Scott Widen, et al. v. Menu Foods, Inc., et al., C.A. No. 5:07-5055

Central District of California

Shirley Sexton v. Menu Foods Income Fund, et al., C.A. No. 2:07-1958

District of Connecticut

Lauri A. Osborne v. Menu Foods, Inc., C.A. No. 3:07-469

Southern District of Florida

Christina Troiano v. Menu Foods, Inc., et al., C.A. No. 0:07-60428

Northern District of Illinois

Dawn Majerczyk v. Menu Foods, Inc., C.A. No. 1:07-1543

District of New Jersey

Jared Workman, et al. v. Menu Foods Ltd., et al., C.A. No. 1:07-1338

Eastern District of Tennessee

Lizajean Holt, et al. v. Menu Foods, Inc., C.A. No. 3:07-94

Western District of Washington

Tom Whaley v. Menu Foods, Inc., et al., C.A. No. 2:07-411
Stacey Heller, et al. v. Menu Foods, C.A. No. 2:07-453
Audrey Kornelius, et al. v. Menu Foods, C.A. No. 2:07-454
Suzanne E. Johnson, et al. v. Menu Foods, C.A. No. 2:07-455
Michele Suggett, et al. v. Menu Foods, et al., C.A. No. 2:07-457

EXHIBIT D

5-21-07; 9:36AM; US DIST COURT

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1/ 22

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW JERSEY

3 JARED HORTON AND MARKAND
4 MORA COHEN, ON BEHALF OF
5 THEMSELVES AND ALL OTHERS CIVIL ACTION NUMBER:
6 SIMILARLY SITUATED, 07-1238 (NLH)

7 PLAINTIFFS,

8 -vs-

9 MENU FOODS LIMITED, MENU
10 FOODS, INC., AND MENU
11 FOODS MIDWEST CORPORATION,

12 DEFENDANTS.

13 MOTION TO SHOW CAUSE

14 DATE: MAY 18, 2007

15 MITCHELL H. COHEN UNITED STATES COURTHOUSE
16 ONE JOHN Y. GERRY PLAZA,
17 CAMDEN, NEW JERSEY. 08108

18 BEFORE:

19 THE HONORABLE NOEL L. HILLMAN, UNITED STATES
20 DISTRICT JUDGE, DISTRICT OF NEW JERSEY, SITTING
21 AT CAMDEN, NEW JERSEY.

22 (APPEARANCES ON PAGE 2)

23 U.S. DISTRICT COURT - CAMDEN - NEW JERSEY

3
1 (The following takes place in open court before the
2 Honorable Noel L. Hillman, United States District
3 Court Judge, District of New Jersey, sitting at
4 Camden, New Jersey, on Friday, May 18, 2007)

5 THE COURT: It's morning, right?

6 Good morning, everyone.

7 Please be seated.

8 Give me a minute to get settled in and then
9 we'll have appearances.

10 MS. RODRIGUEZ: Lisa Rodriguez, from the
11 firm of Trujillo, Rodriguez and Richards.

12 With me, today is Russell Paul from the
13 firm of Berger and Montague.

14 His motion, pro hac vice motion, has been
15 filed, not ruled on, however, and he will be
16 speaking this morning.

17 THE COURT: All right.

18 MS. RODRIGUEZ: If it please Your Honor --

19 THE COURT: Welcome to both of you.

20 MR. PAUL: Good morning, Your Honor.

21 THE COURT: Who else do we have?

22 MR. HANSON: Sir, Gerard Hanson on behalf of
23 Hill Wallack, counsel for the defendants, Menu Foods
24 Limited, Menu Foods, Inc., and Menu Foods Midwest
25 Corporation.

U.S. DISTRICT COURT - CAMDEN - NEW JERSEY

2 APPEARANCES:

3 TRUJILLO, RODRIGUEZ AND RICHARDS, LLC,
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5 AND
6 BERGER & MONTAGUE, P.C.,
7 BY: RUSSELL D. PAUL, ESQUIRE,
8 ATTORNEYS FOR THE PLAINTIFFS

9 HILL, WALLACK, LLP
10 BY: GERARD H. HANSON, ESQUIRE,
11 AND
12 PRETZEL & STOFFER, CHARTERED,
13 BY: EDWARD B. RUFF, III, ESQUIRE,
14 AND
15 MICHAEL P. TURIELLO, ESQUIRE,
16 ATTORNEY FOR THE DEFENDANTS

17 ALSO IN ATTENDANCE:

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19 BY: STUART C. YALLEY, ESQUIRE

20 KAPLAN, FOX & KILSHEIMER, LLP,
21 BY: CHRISTINE FOX, ESQUIRE

22 WEXLER, TORISEVA, WALLACE,
23 BY: MARK J. TAMBLYN, ESQUIRE

24 STEPHEN J. DANER,
25 CERTIFIED COURT REPORTER OF NEW JERSEY
REGISTERED PROFESSIONAL REPORTER
OFFICIAL COURT REPORTER, U.S. DISTRICT COURT

U.S. DISTRICT COURT - CAMDEN - NEW JERSEY

4
1 Present at counsel table with me is Edward
2 Ruff, III, of the Chicago firm of Pretzel and
3 Stouffer, as well as Michael Turiello.

4 Mr. Ruff would like to address the Court.
5 Consistent with Mr. Paul, my office has filed a
6 Pro hac vice application which is returnable
7 June 1st. Certainly we would consent to Mr. Paul
8 addressing the Court as pro hac vice.

9 THE COURT: That's very kind of you.

10 We'll move up these applications and why
11 don't I look at those and consider them now.

12 MR. RUFF: Good morning, Your Honor.

13 THE COURT: Welcome to you all.

14 MR. RUFF: Thank you.

15 THE COURT: Mr. Paul is here to, from
16 across the river.

17 MR. PAUL: Yes.

18 THE COURT: You are in good standing and
19 admitted in various places. No disciplinary
20 matters, you've associated yourself with a local
21 firm.

22 Do you agree to comply with all the local
23 rules including the all important fee.

24 MR. PAUL: Yes, Your Honor.

25 THE COURT: And I take it there's no

U.S. DISTRICT COURT - CAMDEN - NEW JERSEY

5-21-07; 9:36AM; US DIST COURT

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1 I would also add that the defendant's claim
2 process, the way they are attempting to settle many
3 of the thousands and thousands of cases out there,
4 is akin to a group settlement that basically
5 concedes that settlement on a class basis is
6 something that's manageable here.

7 The defendant's real issue regarding the
8 idiosyncrasies of each plaintiff in this case, is
9 how a claim's administrator will manage the claims,
10 but it really doesn't go to say that a class action
11 is not the most appropriate way to settle all these
12 claims.

13 We, again, believe that it is.

14 I also have to respond to something else
15 they said.

16 Your Honor, we are here today because we
17 saw something happening that we believe had to be
18 rectified. We felt we had to take action on behalf
19 of the plaintiffs in the class. We are not
20 purporting to represent every single class action
21 that's currently been filed, although we do believe
22 we represent a majority of the class actions now
23 that have been filed. We felt the need to take
24 action, and we -- that's what we did. We didn't let
25 the fact there were other class actions out there

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1 when they receive a settlement offer and ask to sign
2 a release, at that point they can consult an
3 attorney. It's like in a gauntlet, once signing,
4 there supposed to get what they get and already
5 decided not to call an attorney. So they haven't
6 been informed by Menu Foods that they can call one
7 in the future.

8 We added language, in addition, once you
9 receive a settlement offer from Menu Foods you
10 should also free to contact an attorney regarding a
11 settlement offer. That would comport with the
12 Keystone case, that language.

13 Your Honor, I would also add that if there
14 are pet owners out there who filled out claim forms
15 previously based on what we have termed the
16 misleading prior communications, I think the slate
17 has to be wiped clean and start all over again.
18 They have to receive a new communication meeting
19 whatever Your Honor deems appropriate, fill out the
20 claim form again, and they have to start the process
21 all over because what they filled out before was
22 essentially based on a misleading communication.

23 Finally, I would just add that hearing we
24 weren't privy to all this information about outgoing
25 voice mail messages left on pet owner tapes, and

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1 having been filed stop you us from righting a wrong
2 that was occurring.

3 I would also add, Your Honor, I'm not sure
4 how defendants believe we might use the information
5 they are currently gathering in an MDL proceeding.
6 I didn't understand that. But if they had the
7 information and it's usable in any way, it's usable
8 to them as much as it's usable to us, and if they
9 have the ability to look at this information that
10 was gathered with the misleading claim forms, then
11 we should have the right to look at it as well.

12 The defendants, Your Honor, cited to the
13 Keystone case, and although I do believe they have
14 attempted to comply with the legal requirements, I
15 don't believe they complied in the Keystone.

16 The facts of that case are slightly
17 different. I believe, I believe it was after a
18 class was certified a settlement was reached and the
19 communication -- I'll just quote it. The Kessler
20 letter, as the Kessler complaint letter advised
21 customers to consult with their own lawyer before
22 deciding to settle the case or sign the releases.

23 And that's a specific omission from the current
24 letter that is out there. That it doesn't inform
25 them that when they get to that point of settlement,

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1 what I'm taking away is that this is, and they have
2 every right to try the cases -- we're not implying
3 they don't, but essentially a full-fledged direct
4 marketing campaign directed to pet owners getting to
5 settle the cases directly with defendants, and if
6 they're going to resort to these efforts, every
7 piece of information has to be on the table and any
8 good direct marketer will tell you that's what a
9 direct marketing customer will do most easily, is do
10 nothing. It's very hard to get a direct market
11 customer to fill a form out and to send something in
12 -- actually take action to get up and pick up the
13 phone and call an attorney. They have to know that
14 one of their options is they can sit back, do
15 nothing, and their rights would be protected as
16 putative members of the class.

17 Thank you, Your Honor.

18 THE COURT: Thank you.

19 Mr. Ruff, if I were inclined to direct your
20 client to send out another communication -- let me
21 state it differently. Let's say I were inclined to
22 order another communication to those who have
23 received the communications sent out this week,
24 would you have a preference between you sending it
25 or having Crawford send something prepared by the

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<p style="text-align: right;">61</p> <p>1 plaintiffs and approved by me?</p> <p>2 MR. RUFF: Your Honor says we do, obviously</p> <p>3 so whatever you say, we'll do.</p> <p>4 Let me understand the question again.</p> <p>5 Do you mind just restating it to me one</p> <p>6 more time.</p> <p>7 THE COURT: Would you prefer, if I were</p> <p>8 inclined to direct a further communication to the</p> <p>9 recipients of your May 14th letter, and let me tell</p> <p>10 you why I would do that. Put aside the contacts of</p> <p>11 represented persons because whatever my powers may</p> <p>12 be regarding a putative class, and I think you are</p> <p>13 right to remind me about the multidistrict</p> <p>14 litigation and the other cases, I would have to</p> <p>15 tread very carefully and be absolutely sure of my</p> <p>16 jurisdiction before I did this, this second</p> <p>17 communication. I want one thing clear. I think</p> <p>18 it's absolutely incumbent upon me and you and your</p> <p>19 client to find out if you sent any of these letters</p> <p>20 to represented persons. I am disturbed that</p> <p>21 plaintiffs, having raised this issue in its papers</p> <p>22 about such contacts, that your client, represented</p> <p>23 by counsel, would not undertake efforts to exclude</p> <p>24 those people from this mass mailing and not make</p> <p>25 efforts to exclude those people from subsequent</p> <p style="text-align: center;">U.S. DISTRICT COURT - CAMDEN - NEW JERSEY</p>	<p style="text-align: right;">63</p> <p>1 unilaterally and made judgments as to whether or not</p> <p>2 I might construe some of it as misleading or not.</p> <p>3 Now that it has done that, and again I recognize the</p> <p>4 case law that gives you the right to try to settle</p> <p>5 these cases, and I'm not faulting the communication,</p> <p>6 the fact of the communicating so much as I am now</p> <p>7 that you have made that communication, it raises the</p> <p>8 potential for that communication being misleading or</p> <p>9 coercive in some way.</p> <p>10 Your papers initially start out saying,</p> <p>11 well, we were just responding to phone calls, and</p> <p>12 just passively receiving information from people who</p> <p>13 called us up in a distressed situation and wanted</p> <p>14 help. That is one context. But --</p> <p>15 MR. RUFF: I can tell you that when I filed</p> <p>16 the papers I did not know this would be mailed on</p> <p>17 Tuesday.</p> <p>18 THE COURT: Well, I hear you, I hear you</p> <p>19 saying, look, the corporate equivalent of mom and</p> <p>20 pop and just trying to do the right thing. But</p> <p>21 perhaps the lawyers and clients should do a better</p> <p>22 job of communicating with one another with what they</p> <p>23 intend to do. It's a completely different set of</p> <p>24 circumstances where they engage a company like</p> <p>25 Crawford and reach out, especially to 20,000, 20,000</p> <p style="text-align: center;">U.S. DISTRICT COURT - CAMDEN - NEW JERSEY</p>
<p style="text-align: right;">62</p> <p>1 efforts to contact them.</p> <p>2 I haven't read the rule lately, but I</p> <p>3 recall specifically that, especially when counsel</p> <p>4 for a represented person says, hold on, you need to</p> <p>5 go through me, that a lawyer who allows such conduct</p> <p>6 to occur or such contact to occur even through an</p> <p>7 agent, and even especially through an agent, may be</p> <p>8 engaging in unethical conduct.</p> <p>9 Now I don't have the facts before me to</p> <p>10 make that finding, but I know the issue has been</p> <p>11 raised. I know that based on your representation</p> <p>12 there was no effort made to try to identify such</p> <p>13 persons. I know that a mass mailing was made, and I</p> <p>14 know there are plans for future communications as</p> <p>15 early as tomorrow or today, I believe you said. So</p> <p>16 I -- I want to hear from the plaintiffs again</p> <p>17 because if they have a good faith belief that their</p> <p>18 clients are, been the subject of these</p> <p>19 communications, I'll order you to make a concerted</p> <p>20 effort to see whether that happened, because it</p> <p>21 disturbs me.</p> <p>22 But the question I pose is, now that you've</p> <p>23 -- and I say you, I doesn't mean necessarily you,</p> <p>24 but your client has decided, despite the pendency of</p> <p>25 the motion here, to send out this letter</p> <p style="text-align: center;">U.S. DISTRICT COURT - CAMDEN - NEW JERSEY</p>	<p style="text-align: right;">64</p> <p>1 potential class members and urge them to settle</p> <p>2 their cases. That's fairly construed as an effort</p> <p>3 to influence the litigation and to influence the</p> <p>4 possibility of class certification.</p> <p>5 I understand you take the position it</p> <p>6 shouldn't be class certified, but ultimately that</p> <p>7 might be a question for me. And it just puts us in a</p> <p>8 very different posture.</p> <p>9 I think what the supreme Court was</p> <p>10 concerned about in the <u>Gulf Oil</u> thing is the</p> <p>11 defendants there, and it's the reverse of this</p> <p>12 situation, the defendants were able to communicate</p> <p>13 with folks, and the plaintiffs by virtue of the</p> <p>14 Court's orders, hands were tied. And that's where</p> <p>15 we are right now. You're sending out information</p> <p>16 about the class and about the litigation that could</p> <p>17 have a potential effect on the pending litigation,</p> <p>18 and effect on the class, yet the plaintiffs are,</p> <p>19 don't have the same opportunity to communicate, and</p> <p>20 to the extent that your information conveyed is</p> <p>21 incomplete or misleading, it raises all of the</p> <p>22 concerns that the Supreme Court expressed in the</p> <p>23 <u>Gulf Oil</u> case.</p> <p>24 It is correct for your client to settle</p> <p>25 these cases with plaintiffs who are fully informed</p> <p style="text-align: center;">U.S. DISTRICT COURT - CAMDEN - NEW JERSEY</p>